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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA

Plaintiff,

vs.

KELLY CREWS

Defendant.

CASE NO.: 2:15-CR-00136-APG-NJK

**STIPULATION TO CONTINUE
SENTENCING**

IT IS HEREBY STIPULATED AND AGREED by and between Defendant, KELLY CREWS, by and through counsel, WILLIAM H. GAMAGE, ESQ., and the United States of America, by its counsel, DANIEL G. BOGDEN, United States Attorney and PHILLIP SMITH, Assistant U.S. Attorney, that the sentencing hearing currently scheduled for September 8, 2015 at 10:00 a.m. be vacated and rescheduled until on or after September 14, 2015 based upon the Court's convenience. This Stipulation is entered into for the following reasons:

1. On or about May 26, 2015, Defendant KELLY CREWS entered a change of plea before this Court. During that hearing, sentencing was set for September 8, 2015.
2. Counsel received the PSR for this matter on or about August 3, 2015.
3. On or about August 10, 2015, Defendant Counsel began the process of moving his office. Based upon the chaos that follows such activities, Counsel failed to realize a scheduling conflict with this sentencing.
4. Defendant Counsel has a calendar call scheduled for *State v. Polman*, (Case No.

CR-14-875) in Goldfield, Nevada on September 8, 2015 at 10:30 am.

5. Based upon this conflict, Defendant Counsel called the US Attorney assigned this case who graciously agreed to this short continuance.

6. To assist the Court is scheduling, Defendant Counsel is available as follows during the week of the September 14, 2015.

- a. 09/14/2015 - 9a to 5p
- b. 09/15/2015 - 10a to 5p
- c. 09/16/2015 - 9a to 5p
- d. 09/17/2015 - 11a to 5p
- e. 09/18/2015 - 9a to 5p

7. Based upon this scheduling conflict, the parties hereby stipulate to continue the date for the sentencing hearing to a date convenient to the Court on or after September 14, 2015.

Dated this 4th day of September, 2015

Dated this 4th day of September, 2015

GAMAGE & GAMAGE

DANIEL G. BOGDEN, U.S. Attorney

/s/ William H Gamage, Esq.

/s/ Phillip N. Smith, Esq

William H. Gamage, Esq.
Attorney for Defendant Gregory Ruiz

Phillip N. Smith, Esq.
Attorney for United States of America

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA

4 Plaintiff,

5 vs.

6 KELLY CREWS

7 Defendant.

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**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

8
9 **FINDINGS OF FACT**

10 Based on the pending Stipulation of the parties, and good cause appearing therefore, the
11 Court finds that:

12 1. That Defendant's counsel has a scheduling conflict necessitating a short
13 continuance; and,

14 2. That the parties agree to the requested continuance;

CONCLUSIONS OF LAW

15 1. Denial of this request for a continuance would result in a miscarriage of
16 Justice in that Defendant Counsel could not appear to represent his client at sentencing.

17 2. For all the above-stated reasons, the ends of justice would best be served by a
18 continuance of the sentencing date to on or after September 14, 2015, based upon the
19 convenience of the Court.

20 **ORDER**

21 IT IS HEREBY ORDERED ADJUDGED AND DECREED that sentencing currently
22 scheduled for September 8, 2015 at the hour of 10:00 a.m., be vacated and continued to the
23 22nd day of September, 2015, at the hour of 10:30 a.m./~~p.m.~~

24 DATED this 8th day of September, 2015.

25
26 
27 UNITED STATES DISTRICT COURT JUDGE
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